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PROCEEDINGS

CHAIRMAN HOPKINS: We'll go ahead and call the November 18th Board of Boiler Rules board meeting into session. My name is Craig Hopkins, Chair. We are missing two of our Board members. However, we have three, so we do represent a quorum here today.

We have in attendance Milton Vance, a court reporter. He will be taking down all discussions today. So please for those that are guests attending please announce your name before you speak and try to speak as loudly and clearly as possible so that he can accurately get down what you say.

Board members, he already -- because of our name tags, you don't have to announce your name. He'll be able to figure that out.

Item 1) Review of Minutes of September 15-16,
2003 Meeting

CHAIRMAN HOPKINS: The first agenda item is review of the minutes from September 16th Board meeting. Those minutes have been given to -- made public and given to the Board members. Are there any additions or corrections to make to those minutes?

1 BOARD MEMBER DIETZ: There's one addition. It talks
2 about meeting -- September meeting. And public hearing
3 will be held at Tumwater Labor and Industries. It should
4 say on September 20 and 21.

5 CHAIRMAN HOPKINS: Okay. Are there any other
6 editorial comments?

7

8 Motion

9

10 CHAIRMAN HOPKINS: I'd entertain a motion to accept
11 the minutes as written with the addition of the date
12 September 20th and 21st added to the 2004 meeting date
13 location.

14 BOARD MEMBER DIETZ: So moved.

15 BOARD MEMBER BACON: Second.

16 CHAIRMAN HOPKINS: All in favor say "aye."

17 THE BOARD: Aye.

18 CHAIRMAN HOPKINS: The minutes are approved.

19

20 Motion Carried

21

22 Item 2) Electrical/Boiler Proposal Letter

23

24 CHAIRMAN HOPKINS: The next agenda item has to do
25 with the Senate Bill 5713 whereby the legislature directed

1 the state Electrical Board and the state Boiler Board to
2 jointly evaluate whether electrical licensing,
3 certification, inspection and permitting requirements
4 should apply to maintenance work on electrical controls of
5 a boiler performed by an employee of a service company.
6 They stated that the Electrical Board will report the
7 joint findings and recommendations to the legislature for
8 rule making, if any, and to the commerce and labor
9 committee in the House of Representatives and the commerce
10 and trade committee of the Senate by December 1st.
11 Accordingly, there was a meeting set up in September -- on
12 September 16th I believe -- whereby stakeholders could
13 meet with the representatives of the Electrical Board and
14 the Board of Boiler Rules. That meeting was fairly well
15 attended. We have with us today Ron Fuller representing
16 the state Electrical Board, also the state electrical
17 inspector.

18 And I believe you're here, Ron, to make a report and
19 tell us what is going to be submitted to the legislature.
20 Is that correct?

21 MR. FULLER: That's correct. I'm Ron Fuller, chief
22 electrical inspector.

23 The Electrical Board reviewed the report that we had
24 drafted up -- that Robb and I drafted up to -- they had
25 some discussion over it.

1 Basically what happened at the Electrical Board
2 meeting was that I reported to them what had transpired at
3 the September meeting where the stakeholders showed up.
4 As you all know, David Bowman was the only Electrical
5 Board member that made that meeting. And I think there
6 was only one 01 contractor in the room. And he did boiler
7 work coincidentally.

8 The Board was reluctant to make a recommendation, and
9 they opted to just move the report that we had drafted
10 forward with the options in place for the legislature to
11 look at. They were reluctant because they didn't have
12 draft language to look at.

13 Robb and I have talked about that with Patrick since
14 then, and what we've decided that we would do as a
15 Department would be to put some really preliminary
16 language together to have that ready for legislative
17 staffers to work with if they opt to do something off the
18 report. And option one obviously is the one that most
19 people in the room were willing to go for. And I think
20 it's just a matter of us putting some draft together so
21 that the legislature doesn't start down the road that the
22 stakeholders didn't want them to go so we can at least get
23 them pointed in the right direction. So that's our plan
24 for December when they have their hearings.

25 We also put together a draft letter for your board to

1 hopefully submit because you were the audience that day
2 and really made the recommendations I think and the
3 options that came out of that September meeting. So we
4 felt like it would be appropriate for you as a board to
5 include that letter to the committee.

6 So that's really what I'm here for today is to kind
7 of let you know what happened at the Electrical Board
8 meeting. And I would urge you to approve that letter or
9 some semblance of it to go to the committees at their
10 December hearings.

11 Joe Devish, the Chair, at the Electrical Board is
12 committed to attend any hearings that we're asked to go to
13 off of this report and represent the Electrical Board.
14 And I think he'll do a good job of that because he knows
15 the issues and was involved last year during 5713 also.
16 So he'll represent them at the hearings.

17 Let's see. I can't really think of anything else
18 that is probably relevant too much off of the Electrical
19 Board meeting, but if you have any questions of me about
20 specifics on the meeting, I'll be happy to answer them.

21 But we're planning on -- the report is in the review
22 process right now. It has to go through the Department's
23 process and then to the Office of Fiscal Management. And
24 then it gets routed to the Senate and House committees.
25 So that's where it's at in the process right now from the

1 Electrical Board.

2 CHAIRMAN HOPKINS: So the drafted letter that is on
3 the state's web site, that has not been sent to the
4 legislature yet? It's still being reviewed by your
5 Department? Is that the report that you're referring to?

6 MR. FULLER: Where is it at on the web site, Robb?

7 SECRETARY MARVIN: I've taken our draft proposal
8 letter and posted it on the Boiler Board web site.

9 MR. FULLER: Okay. No, that has not gone. Because
10 you would need to approve that letter. So it's a letter
11 from your board.

12 SECRETARY MARVIN: Oh, I'm -- what letter?

13 CHAIRMAN HOPKINS: Your letter is what they're after.

14 SECRETARY MARVIN: Oh, okay.

15 MR. FULLER: Yes, that's the one.

16 CHAIRMAN HOPKINS: You mentioned before --

17 MR. FULLER: It still has to go through -- it's a
18 review process, but what it really means is that that
19 report's the one that's going to go to the committees.
20 But there's a formal process that you have to go through.
21 The Director has to sign off. OFM has to sign off. And
22 then there's a chain that it goes through. We don't
23 directly deliver the report. It actually comes from OFM.

24 SECRETARY MARVIN: The probability will be -- that
25 draft letter that you see will be the letter that goes --

1 MR. FULLER: Yes.

2 CHAIRMAN HOPKINS: So then is it the -- is it your
3 intent then that this be primarily for information
4 purposes to the legislature, and that before any
5 legislation is enacted that you go back to those
6 stakeholders and work out the details?

7 MR. FULLER: Well, I don't think it would be a matter
8 that we will go back. Once the report is handed over, it
9 will be up to the legislative staffers to deal with it at
10 that point. So if there's legislation to be done, it will
11 be done essentially by the staffers.

12 What we are concerned about -- Robb and I -- is that
13 the staffers will write language that neither the
14 Electrical Board nor the Boiler Board would be happy with.
15 So it's always better to give them some direction
16 up-front. So --

17 CHAIRMAN HOPKINS: But you haven't done that.

18 MR. FULLER: We haven't done that in a report. There
19 just wasn't time to do that, first of all. We'll have
20 that ready by the December meeting.

21 CHAIRMAN HOPKINS: But the direction that goes to the
22 December meeting, will that be generated along with input
23 that you will receive from the stakeholders? Or are you
24 doing that --

25 MR. FULLER: I think we've already received the

1 stakeholder input. We know what option one is. It's a
2 matter of formalizing it and putting those pieces in to
3 the right sections of each chapter in the RCW's. I don't
4 think there's any deviation there. But the legislature
5 committee, the staffers, would not draft language without
6 getting stakeholder input. They're going to have the
7 Boiler Board and the Electrical Board there and interested
8 stakeholders. There's a lot of people that weren't at the
9 September meeting that will become involved. Whether that
10 be good or bad for the two boards -- there may be people
11 that still oppose option one. And they'll have their say.
12 It'll be at the legislative level, not with us at this
13 point.

14 CHAIRMAN HOPKINS: Comments?

15 MR. FULLER: So what we really need from the Boiler
16 Board I think is your buy-in on the report. That's really
17 what this letter that's before you today would do.
18 Because the report is from the Electrical Board, not from
19 you. So I think you need to voice that you support that
20 report as it's written. And then commit to being at the
21 hearings, of course. I know you're going to -- at least
22 you will be there.

23 CHAIRMAN HOPKINS: Well, we, of course, have yet to
24 make a final decision. The problem is that the report
25 really isn't a report. It's more of a minutes of the

1 meeting. And there are no recommendations. And at least
2 the fear I think that some people may have is that some of
3 the commitments made to the stakeholders at the meeting on
4 September 16th may not be a part of the final legislation.
5 I was under the impression there were going to be meetings
6 with the stakeholders between that meeting and the
7 drafting of our final report. I also was under the
8 impression that the Electrical Board was actually going to
9 generate a report making specific recommendations. And
10 what your report has is a number of options with no
11 recommendations. It appears to me to fall short of what
12 the legislature requested.

13 MR. FULLER: That's one of the reasons that Robb and
14 I had the concerns that we do, and that we would like to
15 see you as the Boiler Board recommend option number one.
16 Because that's clearly to me where the Electrical Board
17 was headed.

18 I think you'll see that in the minutes from their
19 meetings when they come out. I think the Boiler Board --
20 or our Electrical Board is committed to moving forward
21 with a semblance of option one. But what -- you know, it
22 boils down to where you have -- I know it's hard because
23 you have 14 members on that board -- a big board -- that
24 are -- they get very nervous -- because of all the
25 statutory changes we've had in the past few years. We've

1 had some huge changes in the electrical statute --
2 approving something that they haven't seen the final
3 drafting of.

4 There just physically wasn't time to draft language
5 before that meeting that they had the end of October. The
6 legislature just didn't give us enough time to do this
7 report in total I think. That's my opinion.

8 CHAIRMAN HOPKINS: Well, you know, I don't know what
9 we would be supporting. Because even option one is, you
10 know, void of any of the details that were discussed at
11 that meeting.

12 Is there no way that you can hold the stakeholder
13 meetings that -- I believe we indicated those stakeholder
14 meetings would occur prior to that meeting.

15 MR. FULLER: I don't remember that commitment. But I
16 may have forgotten; I don't know. I don't think we're
17 going to be able to do anything like that with the
18 stakeholder group before the December hearings. Again,
19 there just is only a week and a half left. There's just
20 not time. This whole process was just -- it was too fast
21 in my opinion.

22 SECRETARY MARVIN: The draft legislation or proposal
23 for words that we are proposing that you and I will give
24 to them for December, will the Electrical Board and the
25 Boiler Board have any say so in what we're going to give

1 them again?

2 MR. FULLER: I don't think there's time to do that
3 because there's no time to call special meetings and do
4 what has to happen.

5 SECRETARY MARVIN: But with the letter that you and I
6 are going to do, I have plenty of time to e-mail five of
7 my members to say this is what you and I are thinking is
8 going to be the proposed words to help them out with the
9 legislation process so that we get what we need in there.

10 MR. FULLER: Well, I would expect that we'd do that.
11 But formal meetings, no.

12 CHAIRMAN HOPKINS: What are the possibilities of
13 requesting that maybe this be postponed till the next
14 session so that we have time to meet with the stakeholders
15 and develop something that they are a party of?

16 MR. FULLER: I think you would receive nothing but
17 resounding support from the Electrical Board on that and
18 from the Department. Because when we -- you know, the
19 legislation wasn't effective until August, and they expect
20 us to draft legislation in three months that's acceptable
21 to a group of stakeholders just wasn't adequate. So I
22 think if you recommended that, I believe that the
23 Electrical Board would fall on board quickly.

24 CHAIRMAN HOPKINS: Will you be having a meeting
25 between now and December?

1 MR. FULLER: No. That's the problem -- one of the
2 problems is that we only meet quarterly. So we won't have
3 another meeting until January.

4 CHAIRMAN HOPKINS: Is there a mechanism for you to
5 either via a telephone conference call or other means to
6 see if there's support from the entire Electrical Board to
7 postpone -- or to request a postponement of the
8 legislation?

9 MR. FULLER: Well, the best thing that I could
10 probably do would be to poll without having a special
11 meeting, --

12 CHAIRMAN HOPKINS: Okay.

13 MR. FULLER: -- and I could report those results back
14 to you. But I just have no doubts that they're going to
15 be in support of that. But that's -- but I can do a
16 formal poll of them.

17 SECRETARY MARVIN: I agree with what Ron's saying
18 that we could make that part of the letter that we're
19 proposing, that there wasn't enough time, and that we feel
20 that there should be --

21 CHAIRMAN HOPKINS: Well, in your report, maybe in
22 your findings section, you could put a little tag
23 paragraph.

24 SECRETARY MARVIN: That's gone.

25 MR. FULLER: That's the dilemma. The report is gone,

1 and it's out of our hands now.

2 CHAIRMAN HOPKINS: But you could submit a letter
3 still, couldn't you?

4 MR. FULLER: It would be best if it came from the
5 Chair, but I -- I believe they would do that.

6 CHAIRMAN HOPKINS: Okay.

7 MR. FULLER: I mean, he's going to be there to
8 testify too.

9 CHAIRMAN HOPKINS: What does the Board feel about
10 that?

11 BOARD MEMBER DIETZ: I think it's a good idea. But I
12 thought the report was not gone. Is it gone?

13 SECRETARY MARVIN: Yes. It's left the Electrical
14 Department's hands, so to speak. It goes through a couple
15 of steps within L & I. The process is that that report
16 that you see in front of you will eventually go on to the
17 legislative people that it's addressed to. It's just a
18 formal process that we go through to get signatures on it,
19 and out the door it'll go.

20 BOARD MEMBER BACON: So it'll go out just like we see
21 it, the recommendations saying --

22 SECRETARY MARVIN: Correct.

23 BOARD MEMBER BACON: -- which is what I think you're
24 coming from is the tag there.

25 SECRETARY MARVIN: Ron expressed -- made an opinion

1 that he feels that he could get his chairman to write
2 another letter to go along with the one we're doing to
3 state that we're all in favor of postponing this. Whether
4 they do it is another story.

5 CHAIRMAN HOPKINS: Right. And along with postponing,
6 they probably have to extend the date. I think it's a
7 July 1, 2004, date for the -- you know, right now there's
8 no requirements for this sort of work as far as electrical
9 licensing goes. We request that they postpone that as
10 well until after the legislature could have a chance to
11 look at our drafted language?

12 MR. FULLER: I don't think they would have to do
13 legislation. I think -- because we're in the middle of a
14 WAC rule process right now. If I had a determination
15 early on of where the legislature wanted to go, I think
16 we'll have that at the committee hearings actually.

17 I could -- rather than do legislation which could get
18 involved and dicey again, I think I could just keep the
19 open window open. When the open window is open, which it
20 is, there's no enforcement.

21 SECRETARY MARVIN: Do the enforcement.

22 MR. FULLER: Exactly. I think it would be easier to
23 do it in a rule actually.

24 SECRETARY MARVIN: Yes, that would be the better way
25 of doing it.

1 CHAIRMAN HOPKINS: Well, perhaps we could generate a
2 motion to indicate that the Board of Boiler Rules submit a
3 letter to the legislature and the two committee chairs
4 that are identified on this letter that was drafted by
5 your office to indicate support for delaying legislature
6 until appropriate draft language could be created by the
7 two boards and the stakeholders.

8 MR. FULLER: And keeping the open window opportunity
9 open until the end of the 2005 legislative session.

10 CHAIRMAN HOPKINS: Okay.

11 BOARD MEMBER BACON: Would that letter be in lieu of
12 this letter and report?

13 CHAIRMAN HOPKINS: Yes.

14 SECRETARY MARVIN: No.

15 CHAIRMAN HOPKINS: Well, we'll probably --

16 SECRETARY MARVIN: This one's going as written. You
17 want to attach that as comments to that letter because
18 they can decide not to extend this, and you want your
19 thoughts to the letter we already have to go forward in
20 case they decide to go forward.

21 CHAIRMAN HOPKINS: It will be part of the content.

22 SECRETARY MARVIN: Context of the same letter with
23 that wording that Josh that we worked on yesterday will
24 still go forward as the letter, and we will just attach
25 another paragraph based on what we've discussed here.

1 Motion

2

3 CHAIRMAN HOPKINS: Would somebody like to generate a
4 motion?

5 BOARD MEMBER DIETZ: Could somebody write that --

6 CHAIRMAN HOPKINS: You want somebody that's a good
7 writer? Do you want to take a few minutes and do that?

8 (Pause in proceedings.)

9 Okay. What we might -- what somebody might move is
10 that the Board of Boiler Rules generate a letter to the
11 legislature regarding the Electrical Board's report
12 suggesting that final legislation on this matter be
13 delayed for one session in order to allow the Board of
14 Boiler Rules and Electrical Board sufficient time to work
15 with stakeholders to generate jointly recommended draft
16 language -- and how would you say -- and then enforcement
17 of --

18 MR. FULLER: I would say draft language reflecting
19 option one.

20 CHAIRMAN HOPKINS: And then enforcement of --

21 MR. FULLER: Directing the Department to not enforce
22 the requirements for electrical licensing and
23 certification for the boiler industry until July of 2005.
24 Enforce by rule is what it should say.

25 CHAIRMAN HOPKINS: The -- that enforcement be

1 postponed? Or how would you phrase -- how did you phrase
2 that? Enforcement be --

3 (Whereupon, the reporter
4 assisted and read back the
pertinent portion.)

5 .
CHAIRMAN HOPKINS: And that was July 1 of 2005? What
6 is the --

7 MR. FULLER: Whatever that date is.

8 CHAIRMAN HOPKINS: Okay, so let's try this.

9 BOARD MEMBER BACON: We should consider this a
10 progress report --

11 CHAIRMAN HOPKINS: Yeah, we'll work on this as a
12 Board subject to --

13 BOARD MEMBER BACON: I'm just thinking for the
14 legislature to consider this as a progress report. That
15 may go a long way with them accepting your proposal. But
16 that's going to be a de facto understanding of what we've
17 done.

18 CHAIRMAN HOPKINS: That's a good point.

19 BOARD MEMBER BACON: In other words, they can see the
20 work that's been done up to this point. So we'll consider
21 this a progress report.

22 CHAIRMAN HOPKINS: Okay, let's try this. The Board
23 of Boiler Rules generate a letter to the legislature
24 regarding that the Electrical Board's report in accordance
25 with the requirements of Senate Bill 5713 be considered a

1 progress report, and that final legislation on this matter
2 be delayed for one session in order to allow the Board of
3 Boiler Rules and Electrical Board sufficient time to work
4 with the stakeholders to generate a jointly recommended
5 draft language reflecting option one, and that the
6 Electrical Department not enforce the rules or electrical
7 licensing and certification for boiler electrical work
8 through July 1st of 2005.

9 BOARD MEMBER BACON: So moved.

10 BOARD MEMBER DIETZ: Second.

11 CHAIRMAN HOPKINS: Okay, I'll read the motion one
12 more time. The Board of Boiler Rules generate a letter to
13 the legislature regarding the Electrical Board's report in
14 accordance with Senate Bill 5713 be considered a progress
15 report, and that final legislation on this matter be
16 delayed for one session in order to allow the Board of
17 Boiler Rules and Electrical Board sufficient time to work
18 with stakeholders to generate a jointly recommended draft
19 language reflecting option one, and that the Electrical
20 Department not enforce the rules for electrical licensing
21 and certification for boiler electrical work through July
22 1st of 2005.

23 All in favor say "aye."

24 THE BOARD: Aye.

25 CHAIRMAN HOPKINS: Opposed? It passes.

1 Motion Carried

2

3 CHAIRMAN HOPKINS: We'll generate that letter in
4 combination with the letter that's been -- consider that
5 in combination with the letter that's already been drafted
6 and get something off. I think that's a good way to go.

7 MR. FULLER: I do too. I think that will be very
8 good.

9 I'll let the chair, Mr. Devish, know what you're
10 doing. And I'll still do the poll of the Electrical Board
11 to find out if they will support this kind of a motion to
12 the -- and direction to the legislature. And I'll get
13 back to you on that, Craig, before the hearings happen so
14 that you can pass the word around here.

15 CHAIRMAN HOPKINS: Okay. And I can't help but think
16 that a letter from Mr. Devish using some similar language
17 would help when this matter got to the legislature.

18 MR. FULLER: Right.

19 CHAIRMAN HOPKINS: Okay. Thank you, Ron, for taking
20 time to make this trip.

21 We will take a five-minute break. Please be back by
22 20 to 11:00. And the next agenda item will be the WAC
23 rule changes and public hearing.

24 (Recess taken.)

25 CHAIRMAN HOPKINS: Okay, we'll call the Board of

1 Boiler Rules meeting back into session.

2

3 Item 3) RCW/WAC Changes/Public Comments

4

5 CHAIRMAN HOPKINS: The next agenda item is the public
6 hearing for the WAC proposed rule changes.

7 (Whereupon, Board Member
8 Ken Eshleman joined the
proceedings.)

9 These changes have been submitted in a timely fashion.
10 They've been made public. They've been on the state's web
11 site. And we have received a number of comments regarding
12 those. We've reviewed all the written comments, and today
13 we'll be entertaining any comments from stakeholders here
14 at this hearing.

15 Again, before you make your comment, please give your
16 name and speak as loudly and clearly as you can for the
17 court reporter.

18 I will take one quick moment to ask Robb to address
19 the issue of future WAC rule proposed changes and how we
20 will be handling those.

21 Robb, do you want to make a quick mention about
22 that?

23 SECRETARY MARVIN: Sure. Starting with today's
24 meeting, the minutes of this meeting will be posted on our
25 web site preferably within a week or two after it's done.

1 Starting with our January, we'll also meet quarterly with
2 the Boiler Board. All proposed WAC changes or rule
3 changes that we're going to do will now begin to be posted
4 starting with our January session so that anybody
5 interested can see the progress of what's going on and
6 will not have to wait until the September hearing to have
7 it posted for today's date. And you'll have plenty of
8 notice to follow everything from its conception on. And
9 we will post that.

10 MS. GASKILL: Could you just verbalize the address?

11 SECRETARY MARVIN: Pardon me?

12 MS. GASKILL: What's your web site address?

13 SECRETARY MARVIN: Right now it's
14 www.lni.wa.gov/scs/boilers. That will stay the same, but
15 I think starting January 1st, L & I's come up with a new
16 web page design. They say it's user-friendly. I've seen
17 it. It's not very friendly to me. But -- so using the
18 old web site address, you will still be able to access as
19 long as we need to if you need.

20 CHAIRMAN HOPKINS: And this point I think it's
21 pertinent for a number of the comments that we have
22 received on the WAC's that we're addressing here today in
23 that many of the comments were language issues, not
24 specifically addressing the precise changes that were
25 being proposed to the WAC's, but the way the WAC perhaps

1 could be written, stating the same information. That
2 information would be much more helpful to the Board to
3 come at an earlier date so that we could incorporate them
4 before we get to the point we are right now at public
5 hearing.

6 So at this point --

7 MR. LEET: Craig, what would be an appropriate date?

8 CHAIRMAN HOPKINS: Our -- as Robb mentioned, we'll as
9 -- as soon as we start working on the WAC's it will be
10 posted. And the public will have an opportunity to see
11 which WAC's we're reviewing. That would be a pertinent
12 date if there are suggested language changes.

13 Then as we move along and we begin to develop the
14 language, we'll be posting that information after every
15 meeting. And we typically work on these WAC changes
16 through September. So for at least half a year.

17 MR. LEET: I was told that you work on them every
18 quarter, every meeting when you get together.

19 CHAIRMAN HOPKINS: We work on the WAC's. The format
20 for working on the WAC's varies. In the past we've taken
21 a certain number of the WAC's each year. Probably -- we
22 haven't determined which WAC's we're going to address for
23 the upcoming year. We have identified many. It's
24 probably not going to be handled in quite the same way.
25 We're probably going to be looking at WAC's that we know

1 specifically need attention for the upcoming year.

2 MR. LEET: How are we going to know that? I mean --

3 CHAIRMAN HOPKINS: We'll post it.

4 SECRETARY MARVIN: I just mentioned I will post it
5 starting in January what WAC's that we're going to be
6 working on.

7 MR. LEET: Yeah. But what you're talking about is a
8 procedure, okay, through the course of the year, right?

9 SECRETARY MARVIN: Correct.

10 MR. LEET: And you're going to do the language
11 portion at a different time of the substantive portion?
12 Or --

13 SECRETARY MARVIN: If they for an example decide to
14 work on WAC 296-104-300, that will be posted in January.
15 If anybody as our stakeholders is concerned about that
16 particular WAC, they can write in with their comments and
17 show up to our quarterly meetings to make suggestions of
18 what they might want to change with that WAC, and it will
19 be under consideration with the Board of Boiler Rules.

20 SECRETARY MARVIN: You will not have to wait till
21 September to do this and have what they have as a final
22 draft right now and ask them to change wording that might
23 say one thing to what somebody else might want something
24 said.

25 BOARD MEMBER ESHLEMAN: The sequence is going to be

1 that during our meeting in January we will be determining
2 which WAC's we're going to be addressing for the year --
3 the entire year. And at that point those will be posted.
4 And then each succeeding meeting we'll do for reviews and
5 discussion about those specific WAC's.

6 In September -- I believe September, that's the final
7 -- that's the official hearing -- yeah, September is the
8 official hearing on approval/disapproval, and at that
9 point if it's approved, then they go in.

10 But basically once they're posted, those are the
11 WAC's that we discuss during the entire year including --
12 we're including changes in format, wording, et cetera.

13 BOARD MEMBER BACON: Would it also be -- to simplify
14 it further, Ken, since we have not even selected the WAC's
15 that we're going to be working on for next year, at the
16 January meeting stakeholder participation could aid in
17 that selection. So if there are particular WAC's that are
18 of a concern that the stakeholders feel need to be
19 addressed, they can bring those to the Board, and they
20 will simply be included. In other words, we will be
21 developing which WAC's we'll be looking at.

22 SECRETARY MARVIN: They will be considered.

23 CHAIRMAN HOPKINS: Correct.

24 Okay, so moving onto the hearing portion, we
25 appreciate the written comments that we received. We have

1 reviewed those and at this point we would entertain any
2 comments in addition to those or in accordance with those.

3 Yes, sir.

4 MR. SHAFER: Yeah, my name's Chuck Shafer. You do
5 have a comment sheet from me up there.

6 My question -- and I mentioned this to a few people
7 here -- electrically I'm not worried. I got an 01 license
8 in my pocket. I'm an 01 administrator.

9 So the electrical that you were talking about
10 previously is not of a great concern to me or to Mr. Gary
11 Hill sitting alongside of me. However, the wordage where
12 you are generally commenting on both steam production,
13 power production or residential, that does concern me.
14 Because as I stated, this 18-inch rule, boiler
15 manufacturers regulations did not -- you know, boilers in
16 homes, we're going to have to redesign a house because the
17 boiler was already installed with just six inches of
18 clearance around it and the code says 18.

19 That's why I directed that statement in my comments.

20 CHAIRMAN HOPKINS: Did anybody want to address that
21 particular issue?

22 BOARD MEMBER ESHLEMAN: The WAC -- Washington State
23 WAC -- addressing Washington, not Spokane, not Seattle,
24 specifically excludes residential. We don't look at
25 residential.

1 MR. SHAFER: It doesn't say anything in here saying
2 that it's exempt, unless it's in another area.

3 BOARD MEMBER ESHLEMAN: Yeah, do keep on looking.

4 The other item: Are you addressing the clearance on
5 existing installations or ones that have been around for a
6 while? Existing installations or new installations?

7 MR. SHAFER: Both really. Because that section of
8 296-104-256 doesn't specify any.

9 BOARD MEMBER ESHLEMAN: Okay. The WAC in total, it
10 grandfathers installations that -- existing installations.
11 In other words, you would not have to redesign everything
12 and remove boilers and stuff.

13 If we're addressing nonresidential, then you wouldn't
14 have to move them. For new installations, then -- again,
15 nonresidential, new installations, then the clearance
16 would have to be addressed.

17 MR. SHAFER: This is what I stated in my letter. I
18 can understand from this time forward. But if somebody
19 has a hundred year old system like Capitol Hill in
20 Seattle, --

21 BOARD MEMBER ESHLEMAN: Well, again --

22 MR. SHAFER: -- you're going to have a rough time
23 getting people --

24 BOARD MEMBER ESHLEMAN: And again, see -- we can't
25 address Seattle. But in non-Seattle, non-Spokane,

1 residential is exempt from the Washington State boiler
2 law.

3 CHAIRMAN HOPKINS: Larry.

4 MR. LEET: That's not true. Washington state code
5 does apply to residential boilers. The only exception is
6 for inspection.

7 SECRETARY MARVIN: Where do you get this information
8 from?

9 MR. LEET: Well, it's in the Washington state code.

10 SECRETARY MARVIN: Then you'll have to show us.
11 Because residential is exempt under our WAC's and RCW's in
12 the State of Washington. Always has been and always will.
13 We do not inspect any residential installation of boilers
14 or pressure vessels in the State of Washington, nor do we
15 in the City of Seattle or Spokane. Commercial either.

16 MR. SHAFER: Residential's my primary concern.

17 SECRETARY MARVIN: We don't regulate residential
18 installations. The City of Seattle does. The State of
19 Washington does not.

20 MR. LEET: Is that spelled out somewhere in the WAC
21 saying, hey, this is what it is? I don't see that
22 exemption under 080 -- RCW 080. Under 090, shall be
23 exempt from the requirements of 79.220 and 79.240 through
24 .330. Hot water heating boilers carrying a pressure of
25 not more than 30 pounds per square inch which are located

1 in private residences or in apartment houses of less than
2 six families. Now, that's exemptions from certain
3 provisions.

4 SECRETARY MARVIN: That's inspection and fees. If I
5 don't inspect it, how am I going to know that that's --

6 MR. LEET: I'm sorry, but that's a requirement
7 that --

8 SECRETARY MARVIN: It is not a requirement, Larry. I
9 don't inspect them. It's -- it says it point blank.

10 (Whereupon, proceedings
11 became unreportable due to
12 overlapping of voices.)

13 MR. LEET: -- from inspection. That's it.

14 SECRETARY MARVIN: Great. So I don't go out to
15 residence and inspect boilers. It's exactly what it says.

16 MR. LEET: Boiler rules still apply.

17 SECRETARY MARVIN: There's nobody to enforce them.
18 We do not do residential inspections, and we've never done
19 it since the inception of this in 1951. Now, in 080,
20 tanks in residential locations under paragraph 7.79.080,
21 tanks used in connection with heating water for domestic
22 and residential purposes excluded in their entirety. The
23 other ones are excluded from inspections and fees. We
24 don't look at them.

25 MR. LEET: That doesn't exclude them from the
requirements of the code.

1 CHAIRMAN HOPKINS: Well, it's --

2 SECRETARY MARVIN: As far as we're concerned, it

3 does. In the State of Washington I'm telling you right

4 now we do not look at residential installations. The City

5 of Seattle, you can do whatever you want.

6 MR. LEET: Well, that's a choice that you're making.

7 SECRETARY MARVIN: It's not a choice. It's our

8 interpretation of those right there. And we do not look

9 at residential locations.

10 CHAIRMAN HOPKINS: The -- part of the RCW's provide

11 for exemptions. And the Department and the Board of

12 Boiler Rules has for as long as I can remember taken the

13 position that when inspection and fees do not apply,

14 they're exempted from the rules.

15 MR. LEET: Then why isn't it under the exemptions?

16 Why isn't it under 080.

17 CHAIRMAN HOPKINS: Well, it is.

18 MR. LEET: Where is it under 080?

19 BOARD MEMBER DIETZ: Seven.

20 SECRETARY MARVIN: Tanks used in connection with

21 heating water for domestic and/or residential purposes.

22 MR. LEET: So you're taking that to mean boilers?

23 SECRETARY MARVIN: Boilers comes under 090. We don't

24 do inspections or fees.

25 MR. LEET: That's exemptions from certain provisions.

1 That's choices --

2 SECRETARY MARVIN: Inspections and -- we made a
3 choice not to inspect them. Period. We're not --

4 MR. LEET: It doesn't make them exempt from this
5 code.

6 SECRETARY MARVIN: There's nobody to enforce it,
7 Larry.

8 MR. LEET: Why don't you put it under 080?

9 SECRETARY MARVIN: Why don't you go to the
10 legislature and propose a new RCW and have it changed? I
11 can't.

12 CHAIRMAN HOPKINS: We're going to --

13 SECRETARY MARVIN: Because I feel it's right. If you
14 don't, you can go to the legislature and propose another
15 change to them.

16 CHAIRMAN HOPKINS: The Board and the Department have
17 taken a position on this issue, and respectfully we're
18 going to move on. This particular issue we can take up at
19 another time, but we're going to move along on the public
20 hearing on the WAC's.

21 Are there any other comments? Mr. Hill?

22 MR. HILL: I don't have any problems with the
23 electrical division and what they want to do as I hold an
24 01 license. But I read some of your changes, and the one
25 on the low-water cutoffs, particularly where you would

1 have to valve them off to test them, there's boilers you
2 can't do that to because if the test cocks fail, you can
3 have yourself a run-away boiler. And particularly in some
4 of these boilers that are construed as cover heating, that
5 would be a boiler producing 100, 250 degrees Fahrenheit
6 with 15 pounds steam or water, whether it controls
7 particularly or electrically, they're in the boiler, to
8 test them you've got to drain them. You pull the wire
9 off, well, how do you know that it's going to -- yeah, it
10 disconnects the electrical switch, you have a rush short
11 inside of it and then locks it on, then you have another
12 comment in there that, well, if you put on these valves
13 and guarantee that they'll snap right on back, well, they
14 don't. And there's just nobody that has this thing to
15 where you start to take low-water cutoffs. And my concern
16 is putting an automatic valve on so you can test the
17 low-water cutoff, and then have it guarantee to go back
18 where it was. You know, McDonald-Miller does make one of
19 these controls, but a discussion with a couple of people
20 that have used them tell me they failed or they have
21 failed of the orifices aren't right. So I think that that
22 type of testing is unreasonable on low-pressure boilers.

23 Now, a high pressure boiler in a power plant, that's
24 a different story. They have operators. But in comfort
25 heating boilers, I think some of that is not the best

1 thing to have. And that's my opinion.

2 CHAIRMAN HOPKINS: Ken.

3 BOARD MEMBER ESHLEMAN: This is mine. And we talked
4 about this during the study session yesterday. With
5 regard to item E, testing on hot water heating boilers,
6 that was not meant to mean that these have to be
7 installed. This was meant as an alternative to -- because
8 normally you do not want to isolate your low-water
9 cutoffs. So the Board was looking at this -- and this
10 comes I believe from CSD-1 I believe, doesn't it? And it
11 basically is an option that's made available. And we are
12 -- I believe we're talking about doing some rewording on
13 this next year. But by no means is this a mandatory
14 installation.

15 MR. HILL: Well, that's some relief to me because
16 there are some that doing that would make the boiler
17 totally unsafe to operate and really don't need to get
18 into one of them. And particularly I have some boilers in
19 the field that are run under a negative pressure. We're
20 sitting seven feet below the low-water cutoff down, and it
21 sucks in because there's six or seven inches of vacuum for
22 the entire plant, and it goes up to around 20, not very
23 often, but it does do it.

24 Well, that's the comment -- one comment I had.

25 And another comment --

1 CHAIRMAN HOPKINS: Could I just add to that before
2 you leave that comment, Mr. Hill?

3 MR. HILL: Okay.

4 CHAIRMAN HOPKINS: What that item specifically is
5 targeting is the need to be able to test the low-water
6 cutoff without draining the entire system. And as Ken
7 said, the devices that you are concerned about are just
8 mentioned as one type of device that you could use, not
9 the only type.

10 Once again, on some of these comfort boilers, if you
11 could valve off the system from the boiler and drain the
12 boiler, you'd accomplish the same thing.

13 MR. HILL: Well, and a new installation is my
14 understanding in reading the codes, you are required to
15 have a valve that comes in and a valve that goes out, in
16 which case you shut the valve off and drain the boiler,
17 and you don't have to drain the entire system.

18 CHAIRMAN HOPKINS: And you've accomplished the intent
19 of this item.

20 MR. HILL: And you've accomplished the same thing.
21 Okay.

22 CHAIRMAN HOPKINS: Okay, your next item please.

23 MR. HILL: I lost my train of thought when that
24 happens. I guess when you get older --

25 CHAIRMAN HOPKINS: Well, we're pretty good at

1 derailing.

2 MR. HILL: But it'll come back to me.

3 CHAIRMAN HOPKINS: Mr. Leet.

4 MR. LEET: So how is a person supposed to know what
5 an option is? It's under the section 300, installation,
6 what controls and limit devices are required.

7 CHAIRMAN HOPKINS: That particular section says that
8 a means shall be provided for testing the operation of hot
9 water heating boiler low water cutoff without resorting to
10 draining the entire system. Such means shall not render
11 the devices inoperable. If the means temporarily isolates
12 the device from the boiler during testing, it shall
13 automatically return to its normal position. So they're
14 talking about if that sort of device is installed, and it
15 is commercially available, then it shall automatically
16 return to its normal position. It is not recommending
17 that device. It's just addressing the use of that device
18 if you use it, then it must automatically return.

19 MR. LEET: So is that language going to be changed or
20 reflected as an option?

21 CHAIRMAN HOPKINS: We believe -- I mean, we'll listen
22 to all comment, but we believe it's indicated as an
23 option.

24 MR. LEET: But what if an inspector in the field
25 thinks otherwise?

1 SECRETARY MARVIN: Then he can make a phone call to
2 myself, and I'll tell them our intent.

3 MR. LEET: That it's an option.

4 SECRETARY MARVIN: Yes. We also discussed yesterday,
5 if I might, that particular (e) and (b) that's going to be
6 -- if it's addressed today, that both those items be moved
7 to the end of 300 here so there's no confusion that this
8 will not go into effect.

9 Anytime we do a WAC change, there is a one year
10 moratorium on it. So this is now 2003. So it could not
11 got into effect until January 2005.

12 Prior to that going in, they have the opportunity to
13 make sure they move it to the end of the paragraph and
14 put the heading on there "installations after January" --

15 MR. LEET: So it will not be retroactive.

16 SECRETARY MARVIN: Not -- anytime you do anything,
17 it's never retroactive. I don't want to say that. This
18 will not be retroactive.

19 MR. LEET: The language in here could make it
20 retroactive.

21 SECRETARY MARVIN: I recognized that yesterday, and
22 we think we can get the proper sentence prior to that
23 paragraph so there's no confusion.

24 It is not retroactive. It would only be new
25 installations after -- and I don't want to quote the wrong

1 date to you.

2 MR. LEET: But we are going to establish that there
3 will be a calendar day -- calendar year?

4 SECRETARY MARVIN: It's already automatic in our WAC
5 and RCW's that any change we make does not become
6 effective for one year after the date that's incorporated.
7 Should what they do today get passed, it doesn't become
8 effective until the filing date. And it's usually around
9 January 1st. You have one year from that date before it
10 becomes mandatory, but you can use it in the meantime.

11 MR. LEET: Okay. Well, I was -- I had a
12 misunderstanding going on. But I thought you guys were
13 making changes quarterly. And how would you follow when
14 the annual mandatory date went into effect?

15 SECRETARY MARVIN: How do we follow? I follow with
16 my inspectors -- I mean, it's something we just do on a
17 everyday basis.

18 CHAIRMAN HOPKINS: We -- I'll just kind of confirm
19 what Robb just said. We understand that there could be
20 some confusion regarding retroactivity on this item. It
21 is not intended to be retroactive. Additionally there
22 could be some language to clarify concerns that you may
23 have. This item is going to be one of the items that we
24 address again when we put on our list in January.

25 Our intent at this point -- and although we haven't

1 acted on it, but our intent is to move this down to a
2 lower section on this particular rule and specify an
3 enforcement date. That -- what Robb is saying, that
4 should occur prior to this becoming law.

5 Now, the change -- the subject of the change that we
6 made would not become law until the following year, but
7 Robb's department, you know, will be enforcing the rule in
8 accordance with the actions of the Board.

9 MR. LEET: When?

10 CHAIRMAN HOPKINS: Well, if we -- well, right now,
11 he's not intending to make it retroactive. And before
12 it's published he will have -- we will have already acted
13 on language stating that it's not retroactive, and that
14 the enforcement date is two thousand -- whatever the date
15 is -- 2004. So that's what we'll be enforcing.

16 MR. LEET: But approximately a year from January? Is
17 that the target?

18 SECRETARY MARVIN: If you look at the previous
19 paragraphs -- if I can find one real quick -- (a) all
20 boilers --

21 MR. LEET: Like number (2), Installations after June
22 of --

23 SECRETARY MARVIN: Right. We will put a paragraph on
24 prior to this becoming mandatory in our law so that
25 there's no doubt that it doesn't begin until after -- and

1 I don't want to state the date because I don't know it --
2 January 1st of 2005.

3 MR. SHAFER: With Mr. Fuller and the electrical
4 division, I'm on a mailing list -- an e-mail list with
5 those folks. As a matter of fact, all of their WAC
6 changes, I got e-mailed so I could review them.

7 Is there any way you folks could set something up
8 that concerned citizens involved in this or concerned
9 stakeholders could be placed on a list and this
10 information e-mailed to us?

11 SECRETARY MARVIN: The wheels are turning, sir.
12 Sorry.

13 MR. SHAFER: Because you can put it into a PDF format
14 very easily.

15 SECRETARY MARVIN: Absolutely.

16 MR. SHAFER: And put it into a group and push a
17 button and it goes out. And then all of us would know --

18 SECRETARY MARVIN: I thought we had that system. But
19 things have changed in the last couple of months. It
20 appears that it's not as good as I thought it was because
21 I did not check on it. Yes, that system can be in play --
22 it already is in place. And through your hopefully
23 sign-in sheets that we did today I will add your names to
24 an e-mail address, and come January when we put it up on
25 the web page for those people that so want it via the

1 e-mail, I would be more than happy to attach that document
2 at the same time.

3 MR. SHAFER: The electrical division sends what they
4 call their Currents letter out each month telling us
5 what's going on, what they're doing. And then you're
6 informed; you know what's going on. And then if you miss
7 something, you can only blame yourself.

8 SECRETARY MARVIN: If you're on an e-mail list, which
9 I presume I have your e-mails as of today, starting the
10 first of the year you will get a copy of it.

11 CHAIRMAN HOPKINS: Mr. Leet.

12 MR. LEET: As long as we're still on WAC 300, I'm
13 wondering if the Board can make a clarification on
14 paragraph (3), installations or refits of gas, oil or
15 combinations of gas or oil after December 1998. What does
16 that mean? What is that -- installations or refits of
17 gas, oil or combinations of gas or oil?

18 CHAIRMAN HOPKINS: What are you unclear about?

19 MR. LEET: Is that bringing fuel into a building? Is
20 that burners? Is that --

21 CHAIRMAN HOPKINS: This is --

22 MR. LEET: -- fuel trains?

23 CHAIRMAN HOPKINS: This is, of course, talking about
24 boilers. And it's indicating that installation of a -- or
25 a refit of a gas, oil or combination gas/oil fired boiler

1 after December 1998 will have the following additional
2 requirements.

3 MR. LEET: Okay. And were you guys going to keep
4 those two paragraphs under paragraph (3), those two
5 additional paragraphs?

6 CHAIRMAN HOPKINS: The item that we were discussing a
7 short while ago?

8 MR. LEET: Yeah.

9 CHAIRMAN HOPKINS: We'll be pulling those out and
10 making a subcategory (4).

11 SECRETARY MARVIN: Yes. So that after "X" amount of
12 date.

13 MR. LEET: Well, I found that kind of confusing
14 because maybe if it -- if something -- if a fuel like
15 changed and then those requirements went into effect or,
16 you know, where it was at.

17 It doesn't matter if you guys are going to move it.

18 SECRETARY MARVIN: It will be moved.

19 MR. LEET: And then I also got a problem on paragraph
20 -- between paragraphs (1) and paragraph (2). It would
21 appear that installations after June 1989 no longer
22 require an automatic water feeding device. I don't think
23 that's what you guys meant. There's a list under
24 paragraph (1), and then we go to paragraph (2), and it
25 would appear to me that we're adding the paragraph (1); is

1 that correct?

2 BOARD MEMBER ESHLEMAN: Uh-huh.

3 MR. LEET: So in other words, if we've installed
4 boilers prior to June 1989 we got to have these devices on
5 it. If we've installed boilers after '89, in addition to,
6 we want added equipment.

7 CHAIRMAN HOPKINS: No. That's a stand alone.

8 MR. LEET: I mean, if it's not, then we need to add
9 automatic water feeding devices in paragraph (2).

10 CHAIRMAN HOPKINS: Okay. For clarification purposes,
11 this hearing is regarding the specific changes that we are
12 making. The particular item, Mr. Leet, is not a change
13 that we're making. I appreciate your concern on this
14 item. It's a confusing and not very well written rule.
15 And we're happy to take the time to go through this to see
16 whether or not the automatic water feeding device is
17 included, and we'll definitely do this. I'm reluctant to
18 take the time right now because it's not addressing the
19 items that we're here to discuss.

20 We very much appreciate your comments. And you've
21 clearly thoroughly reviewed the rules, and we appreciate
22 that.

23 But with all respect we're going to pass on this
24 particular item now. We will take it up to make sure that
25 for installations after 1989 that we require automatic

1 water feeding devices.

2 MR. LEET: Okay. I beg the Board's indulgence. I
3 didn't understand what the procedures were. It was my
4 understanding that you guys every quarter at every meeting
5 that you make, you're making changes to the --

6 CHAIRMAN HOPKINS: And what we tried to explain
7 earlier is that we're going to improve this system so we
8 can get the valuable comments that you have presented
9 today and in your written correspondence that we received
10 earlier so we can incorporate that prior to this date.

11 At this time, at this particular hearing we're only
12 dealing with the specific changes, the underlying changes
13 that are represented on this document.

14 And again, we appreciate all your comments. And we
15 want to -- we're going to follow up on all of them. I can
16 assure you of that. But we're just not here to discuss
17 those today unless they pertain to the underlying
18 comments.

19 MR. LEET: Okay.

20 CHAIRMAN HOPKINS: Are there any other comments on
21 the proposed changes to the WAC's?

22 MR. COLE: Over the section 300 still?

23 CHAIRMAN HOPKINS: It can be on any section you like
24 at this point.

25 MR. COLE: I would just like to ask that on 300 -- on

1 page 9, section 300, paragraph -- I guess that's (3) (b) --
2 the shutdown switch outside of the boiler room door and on
3 -- is the intent there to have a like a firewall, like say
4 in a school where someone had to break the glass to kill a
5 boiler that's on the other side of a wall?

6 BOARD MEMBER ESHLEMAN: The very last sentence --
7 again, we talked a little bit about this. The second
8 sentence specifically addresses the fact that the alarm
9 can be a -- it addresses the alarm inside -- just outside
10 the boiler room. And the comment was made about -- you
11 know, I think a school is the classic example -- kids
12 tampering with it causing problems. But the second
13 sentence specifically states that consideration should be
14 given to the type and location of the switch to safeguard
15 against tampering. So basically we're saying we need a
16 shutdown switch, but we also acknowledge the fact that
17 there has to be means to protect that switch from
18 inadvertent tripping, tampering, that kind of thing.

19 CHAIRMAN HOPKINS: Just I'd add that this section is
20 taken from CSD-1.

21 MR. COLE: Okay.

22 CHAIRMAN HOPKINS: Mr. Leet first, Mr. Shafer, and
23 then --

24 MR. LEET: On this subject, the topic, is this going
25 to be -- was this going to be moved out into another

1 section or is it going to remain here?

2 SECRETARY MARVIN: I was going to say, this paragraph
3 (b) and (e) will be moved to the end like we discussed
4 with the other one.

5 MR. LEET: Okay.

6 SECRETARY MARVIN: It's not retroactive.

7 MR. LEET: Oh.

8 CHAIRMAN HOPKINS: Some clarification. This will
9 remain where it is for right now.

10 In our rule changes that will be beginning in
11 January, we'll propose moving that out to section (4). So
12 when this comes out as law in a year from now, it will be
13 in the position and form that you see here.

14 MR. LEET: Okay.

15 SECRETARY MARVIN: Before it becomes mandatory in law
16 a year from now, the proper heading will be above it so
17 that there's no confusion that this is not retroactive; it
18 starts from again January 1st forward.

19 MR. LEET: Okay. But I mean I'm thinking that there
20 will be some confusion. Some people will --

21 CHAIRMAN HOPKINS: We agree. That's why --

22 MR. LEET: -- do the work, you know, and make bids
23 accordingly.

24 CHAIRMAN HOPKINS: Oh, new work, new construction
25 work will require this. The only confusion that we see

1 will be the issue of retroactivity.

2 MR. LEET: So it will be in a different place than in
3 paragraph (e).

4 SECRETARY MARVIN: Yes.

5 MR. LEET: Well, I heard paragraph (e) was going to
6 be options.

7 CHAIRMAN HOPKINS: Section (b) and (e), the two
8 sections that we are adding, will be pulled out as a
9 stand-alone section.

10 MR. LEET: Okay.

11 CHAIRMAN HOPKINS: But that's not what we're acting
12 on today. What we're acting on today is the position that
13 it's at that you read.

14 MR. LEET: Right, correct. And that's what I'm
15 trying to address.

16 But I do see options in paragraph (b). Are those --
17 oh, consideration shall be given. Who's going to give the
18 consideration? Who's going to make the choices?

19 CHAIRMAN HOPKINS: This is CSD language straight out
20 of the book. And consideration is -- it's difficult to
21 write a law to cover each application. Consideration --
22 maybe Robb can discuss, you know, how that relates to the
23 real world, but I would expect that if there was an issue,
24 that Robb's department should be contacted to get either
25 approval or disapproval.

1 SECRETARY MARVIN: In dealing with our own --

2 MR. LEET: Can you clarify?

3 SECRETARY MARVIN: Yes. In dealing with our own
4 inspectors, the point being consideration shall be given.
5 Each one of our inspections uses their own consideration.
6 If it is not a school or someplace where they feel it can
7 be tampered with, then they're going to require it to be
8 put on the outside of the door. Period. If it is a
9 school, they're going to require them to put it on the --
10 they could allow them to put it inside the door. They
11 could allow them to put it on the outside in a system
12 similar to a fire alarm where something has to be broken
13 to actually activate it. It's up to the inspector.

14 MR. LEET: So paragraph (b) will be subject to the
15 discretion of the boiler inspector?

16 SECRETARY MARVIN: Yes. If the customer, whoever it
17 might be, and you as an inspector say, "No, I want it on
18 the outside of the door," and were to call me, and it was
19 in the State of Washington, I would override my inspector
20 if it was a school and say, "It just can't go out there
21 because they're going to bounce balls off of it all day
22 long." It can go on the inside with a note and --
23 depending on what they're going to do. If they tell them
24 the door's going to be locked and nobody has access to it,
25 then that switch on the inside of the door serves no

1 purpose. They're going to have to find some other device
2 that they can put out on the outside of the building,
3 similar to maybe a fire alarm or whatever it might be.
4 But we've been real reasonable with schools. They can put
5 them on the inside of the door with just a sign.

6 CSD-1 also wants you to use a circuit breaker. They
7 don't have to go to another switch. If you can walk into
8 -- you know, if the circuit breaker's on the outside of
9 the door, as long as it's properly marked, and they open
10 it up, and there's a boiler switch, they're allowed to use
11 those too.

12 There's so many combinations of variances that you
13 could use. We'd end up with a book as big as a telephone
14 book to put these variances in.

15 MR. LEET: Okay. Well --

16 CHAIRMAN HOPKINS: Again, this is right out of CSD-1.

17 MR. LEET: Well, I understand that, Craig. But we
18 don't have to adopt everything that CSD-1 says verbatim.
19 You know, it's suggested language, and we can make it
20 appropriate for the State of Washington. I mean, there is
21 monetary concerns here. And for a person to try and make
22 a bid on a particular job and not know what's required on
23 the boiler could have a monetary impact on that
24 contractor.

25 BOARD MEMBER ESHLEMAN: Any contractor in this state

1 must have a Washington state law and in my own opinion
2 must have a CSD-1. That being said, he shall also
3 recognize he must post or request/submit an installation
4 permit to the State of Washington to let them know that a
5 boiler is going in. At that point that does address
6 CSD-1. He can look at the state law and see what is
7 required. If that individual contractor has questions,
8 the contractor can call either the boiler inspector that
9 has responsibility for that facility or Robb and his staff
10 well before it gets in -- you know, he gets too far into
11 the bidding process. He's got to have all the documents
12 before he can even proceed and knowingly put together any
13 bid for the job.

14 CHAIRMAN HOPKINS: Excuse me, but I think we had
15 Mr. Shafer next -- or Mr. Hill.

16 MR. HILL: Well, on the switch it says you will
17 disconnect the power. Now, are you talking about
18 disconnecting the power that feeds the boiler? Or are we
19 going to disconnect the control circuit that feeds the
20 fuel train. Because if you have to run all the power to
21 disconnect the boiler and you have a very big boiler,
22 you're talking very big wires.

23 CHAIRMAN HOPKINS: Mr. Hill, it's a shutdown switch.
24 It's a remote shutdown switch.

25 MR. HILL: Oh, that --

1 CHAIRMAN HOPKINS: It would be a limit -- it could be
2 a limit or --

3 MR. HILL: It could be a limit so -- or it could shut
4 the fuel valve off.

5 CHAIRMAN HOPKINS: Correct.

6 MR. HILL: Basically if something's wrong, you want
7 to push the button and the fuel's gone.

8 CHAIRMAN HOPKINS: Right.

9 MR. HILL: Okay. Can I make another comment
10 concerning something else?

11 Under WAC 296-104-320, you say here that a discharge
12 line from a boiler, accumulators or headers with a
13 capacity -- it used to be 5,000 pounds. You get it out of
14 the building and you reduce it to 1,000 pounds of steam or
15 more. It should be directed outside the building. Well,
16 there's some buildings I work on, you can't get it outside
17 the building. The headers and what has to be discharged
18 is one or two floors below the ground. You bring that up
19 to where it could discharge, and it discharges into
20 somebody, who's liable?

21 CHAIRMAN HOPKINS: Where did they discharge?

22 MR. HILL: Well, we currently can discharge the
23 relief valve in the boiler room, or we would discharge it
24 near something that's ventilated. But if you take it just
25 in heating system and you're commenting headers and you're

1 going with a system that has 140 pounds coming into the
2 building, it goes through a pressure reduction valve, all
3 of the valves around that 140 pounds have to be rated at
4 150 pounds or more, so now we get down to the header that
5 feeds the building and we're down to 15 pounds. You can't
6 exceed 15 on some of the buildings because the equipment
7 won't take it. So now we have something that's, say, 25,
8 100 pounds an hour, according to this here, I've got to
9 vent it outside the building. Well, in some cases you
10 can't -- it is difficult to get it outside the building.
11 Or is that on just brand new buildings and we don't worry
12 about the old ones?

13 CHAIRMAN HOPKINS: Well, the intent of this
14 paragraph, of course, is that if the relief or safety
15 valve pops that you don't dump it into the boiler room
16 injuring somebody or making it so you can't find your way
17 to the boiler to shut it down.

18 The requirement is that the discharge be directed
19 outside the building. How it's directed is not specified.
20 I suppose it could be -- just as you pointed out earlier
21 -- be directed into the vent, exhaust, any number of
22 places. But the intent is they don't want it dumping out
23 into the open boiler room.

24 MR. HILL: Well, but you had 5,000 pounds for the
25 last several years and now we're dropping this to 1,000

1 pounds. And if you can go up the stack without having to
2 put in 12 floors of pipe, this is one thing. Now, it's
3 one thing on a boiler. A lot of mine are fed systems from
4 other places. But we had to in some cases to get -- to
5 make these things safe, we've had to put in 150 pound
6 relief valves on the system or 125 pound relief valves
7 because the downstream valves will not take steam at 140
8 pounds of pressure. So you have to relieve it at what the
9 valve's rated for. And unfortunately some of them in
10 order to get around -- we've had to have it reengineered
11 so that we knew what the worst was going through it if the
12 equipment blew up. In other words, the equipment ruptures
13 inside and it lays pressure on it, and at 3,500 pounds an
14 hour, there's no problem in some of the boiler rooms. Of
15 course, some of them don't do -- there's no boilers. It's
16 just -- it's the header. But to vent them outside and up
17 would be difficult because they're below the ground, in
18 some cases two or three floors.

19 CHAIRMAN HOPKINS: In the case of a boiler if you had
20 a stack, why are you thinking that you'd have to run the
21 vent pipe all the way to the top of the stack?

22 MR. HILL: Well, it has to discharge -- if you're
23 saying it has to discharge out of the boiler room, that is
24 true. But in some of the cases I've seen where they'll
25 put the pipe up and then you discharge it out into the

1 atmosphere a couple floors above. Some of the areas that
2 we have this in, there is no boiler, and there is no
3 stack. It's gone. It was never put in. But this, again,
4 has to do with a different system.

5 MR. LEET: I'm sorry, could I interject here?

6 What he's referring to is Seattle Steam supplies
7 steam like a utility. And in a lot of cases it's coming
8 into a building. Perhaps it's going through a pressure
9 reducing station or a heat exchanger. Okay? It's just as
10 though -- it's still coming from a boiler several blocks
11 away, but means have to be made for venting safety relief
12 devices.

13 We have -- the City of Seattle has a requirement
14 meeting the 5,000 pounds per hour. Once we exceed that,
15 it has to be made outside. But now you're asking us to
16 reduce it to 1,000.

17 And that's what Gary Hill is addressing.

18 BOARD MEMBER BACON: Is there a safety concern that
19 prompted the reduction?

20 SECRETARY MARVIN: Yes.

21 BOARD MEMBER ESHLEMAN: The safety concern was you
22 have a lot of dry cleaners, and they don't have any
23 venting outside the room at all. The safety valve opens
24 up, lines open up and vent right into the boiler room. So
25 there's really no -- they drain -- basically flows into a

1 line.

2 MR. HILL: Those are from boilers, though, not from
3 headers.

4 BOARD MEMBER ESHLEMAN: I understand.

5 SECRETARY MARVIN: Is the consideration or concern
6 that City of Seattle's rules would not meet or exceed the
7 State of Washington's now with this reduction --

8 MR. LEET: Well, to make the change we would have to
9 follow the --

10 SECRETARY MARVIN: Or show me how that yours -- that
11 that might meet state standards in whatever way you've
12 accepted engineering-wise that we could accept. I
13 understand there probably is buildings that are two or
14 three stories below ground that typically don't deal with
15 in the State of Washington -- or in Seattle. There might
16 be some in Bellevue, but typically they're on the roofs of
17 those type of buildings. I think it would be something
18 that we could with your help or work telling us or
19 explaining to us how that would meet our standards. That
20 is a -- appears to be a problem, but it's a bigger problem
21 around the State of Washington not venting thousand-pound
22 valves in buildings that are sitting at ground level.
23 They just dump these things right in the boiler room.

24 MR. HILL: But aren't -- a lot of those are with
25 laundry the high pressure boilers.

1 SECRETARY MARVIN: Yes.

2 MR. HILL: And some of the stuff I'm concerned with
3 is low pressure comfort heating systems which is in some
4 cases is four pounds of pressure. And the high pressure
5 stuff we have to get it out, we have to get it out.
6 Because who wants to dump 2,500 pounds an hour or 150
7 degree vapor into a room? You sure don't want to be
8 there or it's going to be a bit warm.

9 CHAIRMAN HOPKINS: I think the intent here -- and
10 that fits right at the intent of this change is that they
11 want to dump, you know, outside of the building. There's
12 a number of ways to do it. I don't think that that
13 necessarily means you have to run a vent pipe all the way
14 up to the ceiling, for example. But, you know, this
15 change was made as a safety consideration based on some of
16 the applications around the state.

17 Are you questioning 1,000 pounds or are you not in
18 favor of the 1,000 pounds?

19 MR. HILL: Well, I'm not -- the way it's been we
20 haven't had any trouble on those systems at 5,000 pounds
21 an hour. Because I don't really planning on having to put
22 -- to have one of these blow off.

23 Where we did get into a problem was in the King
24 County Jail. I didn't want to go there. But the pipe
25 coming in there was a three inch, and it was coming in at

1 140 pounds of pressure. We did manage to get it vented
2 out of the building, but we had to have the safety -- the
3 relief valves engineered so that -- how much passes
4 through them. Is it you need a three-inch port or can you
5 get a different port? So we came to the conclusion that
6 if the internal of the valving that makes the pressure
7 reduction down to 30 pounds of pressure ruptured, there's
8 an XYZ stated CV, and then we had that converted to pounds
9 an hour, and we vented it overboard. And then that one --
10 it was about 12,000 pounds an hour.

11 But I have some concerns -- if the thing is way down,
12 and the boiler room was -- there was never a boiler room,
13 then you don't have a stack.

14 I do know of one that they vented the condensation
15 pump. And this thing goes -- went up 12 floors. And the
16 steam line broke and condensation busted, and it went back
17 into the condensation pump, and then nobody could see it
18 coming out. It was unable to be able to be seen, and it
19 was steam and water. This thing started up at 12 floors
20 to vent to the attic, and it backed the water up through
21 the steam line and did \$55,000 worth of damage in the
22 street. When the water hit the steam in the street, it
23 blew the pipes up, and they had to tear it out. So in
24 that case, they were able to see it.

25 CHAIRMAN HOPKINS: Well, that was an ongoing

1 operational issue --

2 MR. HILL: It was an ongoing operation.

3 CHAIRMAN HOPKINS: What we're talking about here is a
4 safety consideration.

5 MR. HILL: Safety consideration. And you're talking
6 about new construction or from, say, January 1st on a new
7 building, or are we talking from January 1st on and now
8 we're going to convert a building?

9 Suppose we go into a 1950 building and have to do
10 some changes on it, and they have no way of venting it, do
11 we have to provide venting outside because it's a new
12 installation?

13 CHAIRMAN HOPKINS: Robb, do you know this?

14 SECRETARY MARVIN: My answer is no. Because this law
15 would not go into effect until -- lack of numbers --
16 January of '04 or '05. And prior to that date if you go
17 into that 1950 building, it already came under the
18 exemption or the paragraph of 5,000 pounds. This is not
19 retroactive to the WAC; you can fix anything in the past.
20 It would be new construction only. Just today forward.

21 CHAIRMAN HOPKINS: Are you done with that right
22 now?

23 MR. HILL: I am finished. I am all finished.

24 CHAIRMAN HOPKINS: Well, thank you for all your
25 comments.

1 Mr. Gill.

2 MR. GILL: If I could lend some more confusion to
3 this issue relative to the example that was given of a
4 central heating system, I don't believe this law applies
5 to central heating systems with piping. This is the
6 Washington state boiler and pressure vessel law and
7 applies to those things directly associated with the new
8 boiler code. So I don't believe any of these rules would
9 be applicable to piping in a building supply, steam from
10 some other source.

11 CHAIRMAN HOPKINS: You're talking about when they're
12 working off Seattle City Steam?

13 MR. GILL: Correct. That was an example that was
14 given creating this law -- potentially creating this law.
15 I don't believe this law would apply to that example.

16 CHAIRMAN HOPKINS: So did you understand that
17 comment, Mr. Hill?

18 MR. HILL: Yes, I did.

19 CHAIRMAN HOPKINS: Oh, excuse me. I'm sorry, you've
20 had your hand up.

21 MR. FORSBERG: I hate to go back on the switch. I
22 just want a clarification on this outside the boiler room
23 switch. Does that apply to just commercial and not -- is
24 it a residential exception then? It's going to apply to
25 everything?

1 SECRETARY MARVIN: Commercial buildings and places of
2 public assembly.

3 MR. FORSBERG: Okay.

4 SECRETARY MARVIN: The State of Washington does not
5 regulate residential.

6 MR. FORSBERG: I understand. Thanks.

7 CHAIRMAN HOPKINS: Mr. Leet.

8 MR. LEET: Boy, I was going to speak to the discharge
9 lines of boilers, accumulators or headers, but I guess it
10 doesn't really matter. It sounds like the state doesn't
11 really want to --

12 SECRETARY MARVIN: Well, at this time in our
13 regulations, we do not regulate piping. We would like to,
14 but we don't beyond the first stop valve or the connection
15 of a boiler proper, we do not regulate it. So the valves
16 and things that Mr. Hill and you are talking about
17 technically would not come under this. We're talking
18 directly off a boiler. And I am not sure on these
19 buildings with a main steam line, I know it's probably
20 directed to the outside and where this is coming from. So
21 if there's no boiler, it's not affected it whatsoever.

22 MR. LEET: Okay.

23 CHAIRMAN HOPKINS: Are there any other comments?
24 Okay, any additional comments can be provided to the Board
25 in written format. I'd like to have them today if that's

1 the case.

2 Accordingly, we will be responding to all written
3 comments that we've received to date.

4 And we appreciate all the effort that you all put
5 into this.

6 We are attempting to address the way we do this sort
7 of activity so that we can get a lot of the language
8 improvements in place before we get to this hearing. And
9 you folks have helped us a great deal in that regard.

10 There being no further comments on the public hearing
11 portion of this meeting, we will consider the public
12 hearing portion closed for today.

13 The next agenda item -- a point of order. Ken was
14 wondering whether we had to vote to adopt the items. And
15 Jean Meyn, assistant attorney general, indicated to me we
16 did not have to. Do you have a --

17 SECRETARY MARVIN: That's fine with me.

18

19 Motion

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21 CHAIRMAN HOPKINS: I would entertain a motion -- and
22 it doesn't hurt -- if you're so inclined. We do have the
23 one grammatical change.

24 SECRETARY MARVIN: Yes. It's under 296-104-300,
25 paragraph (b), that we'll eventually be moving. The

1 "should" and "shall" have been reversed. I will fix
2 that.

3 CHAIRMAN HOPKINS: Just to reiterate what Robb just
4 said, under WAC 296-104-300, item (3)(b), which addressed
5 the remote shutdown switches, in the last sentence as
6 presented it read "Consideration should be given." It's
7 been noted that grammatically that should read
8 "Consideration shall be given"

9 UNIDENTIFIED SPEAKER: And wasn't there another one
10 that --

11 SECRETARY MARVIN: "A manually operated remote
12 shutdown switch or a circuit breaker (should) be located
13 just outside the boiler room door and marked for easy
14 identification." And then "Consideration (shall) be given
15" We've reversed them.

16 CHAIRMAN HOPKINS: Those changes are considered
17 grammatical, but we'll include those -- if you'd like to
18 include those in the motion.

19 BOARD MEMBER ESHLEMAN: In that case, I move that the
20 changes to the WAC's as specified in CR 102 be approved
21 with the changes -- with the grammatical changes that have
22 just been specified.

23 CHAIRMAN HOPKINS: Is there a second?

24 BOARD MEMBER BACON: So moved.

25 CHAIRMAN HOPKINS: Is there any discussion? Okay,

1 then I will call to vote acceptance of the WAC rule
2 changes in accordance with the CR 102 incorporating the
3 change to WAC 296-104-300, (3)(b), replacing the word
4 "shall" with "should" and the word "should" with "shall."
5 All in favor say "aye."

6 THE BOARD: Aye.

7 CHAIRMAN HOPKINS: Opposed? It passes. Thank you.

8

9 Motion Carried

10

11 Item 4) Departmental Notes

12

13 CHAIRMAN HOPKINS: The next agenda item is
14 departmental notes.

15 SECRETARY MARVIN: Could we quickly go back to your
16 minutes? Faye had mentioned a date change that was
17 wrong.

18 CHAIRMAN HOPKINS: No. Just included a date.

19 BOARD MEMBER DIETZ: Added.

20 CHAIRMAN HOPKINS: For September.

21 BOARD MEMBER DIETZ: It didn't have the September
22 date.

23 SECRETARY MARVIN: Oh, got it. Thank you.

24 CHAIRMAN HOPKINS: Any departmental comments, Robb?

25 SECRETARY MARVIN: None.

1 CHAIRMAN HOPKINS: The next meeting will be held here
2 in Tacoma on -- it would be a study session January 20th,
3 and the Board meeting on January 21st, 10:00 a.m. That is
4 the meeting at which we will be beginning the process of
5 selecting the WAC's.

6 Any interested parties, we appreciate your attendance
7 at that meeting. It's not required, however. And if
8 there are any particular WAC's that you're concerned
9 about, just get those to Robb prior to that meeting, and
10 we'll make sure that we include that in the WAC's to be at
11 least considered for change.

12

13 Motion

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15 CHAIRMAN HOPKINS: Are there any other items on the
16 floor? There being none, I'll entertain a motion to
17 adjourn.

18 BOARD MEMBER ESHLEMAN: So moved.

19 CHAIRMAN HOPKINS: A second?

20 BOARD MEMBER DIETZ: Second.

21 CHAIRMAN HOPKINS: All in favor of adjournment say
22 "aye."

23 THE BOARD: Aye.

24

25 Motion Carried

1 CHAIRMAN HOPKINS: We're adjourned. Thank you very
2 much.

3 (Whereupon, at 11:50 a.m.,
4 proceedings adjourned.)

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